

### **REMARKS**

This responds to the Office Action mailed on April 19, 2007.

Claims 2-10, 12-14, 17, and 19 are amended, claims 11, 15, 16, 20, 21, 24-28 are canceled, and claims 29-31 are added; as a result, claims 2-10, 12-14, 17-19, 22-23, and 29-31 are now pending in this application.

It is submitted that new claims 29 and 31 are a system and a machine-readable medium claims that correspond to the allowed method claim 22. New claim 30 is a system claim that corresponds to the allowed method claim 31. Therefore, no new elements have been introduced in the claims and thus no new search is required.

#### **§101 Rejection of the Claims**

Claims 25-26 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 25-26 have been cancelled.

#### **§102 Rejection of the Claims**

Claims 2-4, 8-10, 12 and 28 were rejected under 35 U.S.C. § 102(e) for anticipation by Kalluri et al. (U.S. 5,937,331).

Claims 2-4, 8-10, and 12 were amended to make them dependent on claim 22, which was allowed. Because claims 2-4, 8-10, and 12, as amended, depend on the allowed claim 22, claims 2-4, 8-10, and 12 should also be allowed, which is respectfully requested.

#### **§103 Rejection of the Claims**

Claims 5, 17-19 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalluri et al. (U.S. 5,937,331) in view of Menand et al. (U.S. 5,563,648).

Claims 18 and 19 were cancelled. Claims 5, 17, and 19 were amended to make them dependent on claim 22, which was allowed. Because claims 5, 17, and 19, as amended, depend

on the allowed claim 22, claims 5, 17, and 19 should also be allowed, which is respectfully requested.

Claims 6-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalluri et al. in view of Menand et al. and further in view of Applicant's Admitted Prior Art.

Claims 6-7 were amended to make them dependent on claim 22, which was allowed. Because claims 6-7, as amended, depend on the allowed claim 22, claims 6-7 should also be allowed, which is respectfully requested.

Claims 11, 13-16 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalluri et al. in view of Applicant's Admitted Prior Art.

Claims 11, 15-16, and 20 were cancelled. Claims 13 and 14 were amended to make them dependent on claim 22, which was allowed. Because claims 13 and 14, as amended, depend on the allowed claim 22, claims 13 and 14 should also be allowed, which is respectfully requested.

*Allowable Subject Matter*

Claims 22-23 were allowed. Applicants thank Examiner for allowing claims 22 and 23.

**RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence

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of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

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Date 7-19-07

By   
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Date of Deposit: July 19, 2007

This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.